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SUBJECT: BENIN: CHILD LABOR INFORMATION FOR TRADE AND DEVELOPMENT
ACT (GSP) 2008 REPORT

REF: A) STATE 127448; B) 07 COTONOU 915; C) COTONOU 314

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¶1. In response to State 127448, Post provides the following information:

Laws and Regulations

¶2. Benin uses laws and ministerial decrees to set the minimum age for employment, to prohibit child trafficking, and to forbid children's work in certain sectors. Benin's Labor law sets the minimum age for employment at 14 years of age. Children aged 12 to 14 may perform domestic work and light work of a temporary or seasonal nature, provided that it does not interfere with their compulsory schooling. Benin's minimum age for military recruitment is 18.

¶3. In April 2006, President Yayi promulgated Act No 2006-04 relating to the Displacement of Minors and the Suppression of Child Trafficking. The new law provides for increased penalties for the trafficking of minors, including imprisonment from six months to life, depending on the severity of the crime, and fines from \$100 (50,000 CFA francs) to \$10,000 (five million CFA francs). The GOB has increased its fight against child trafficking by creating a National Child Protection Coordination and Monitoring Working Group, by increasing public campaign awareness along its borders, and by coordinating the repatriation of Beninese children exploited in Nigeria's stone quarries.

¶4. The inter-ministerial decree No 132 of November 2, 2000 provides a comprehensive list of the worst forms of child labor. It sets the categories of work that are prohibited for under-aged children. Examples of forbidden work for children under the age of 18 include the operation of motorized vehicles, the operation of crushing machinery or use of sharp instruments, and work in slaughterhouses.

¶5. Beninese law does not at present contain a definition of the worst forms of child labor; however, the GOB ratified both International Labor Organization Conventions 138 (setting the minimum work age) and 182 (defining the worst forms of child labor) in 2001. While Benin did set out several categories of work children cannot perform in Decree No 132 (noted above), Benin has not yet prepared a list of the worst forms of child labor using the 6-step procedure required by Convention 182. However, according to the Labor Office at the Ministry of Labor and Civil Service, a consultant has been hired to finalize that list which will be released in 2009.

Regulations for Implementation and Enforcement of Proscriptions
Against the Worst Forms of Child Labor

¶16. The legal remedies that are available to government agencies that enforce child labor laws cover different statutes in Benin including the Criminal Law, the Labor Law, the General Labor Collective Convention, the Social Code, case law, and a wide range of other legislation and government decrees. The penalties for violating the Labor Law relating to child labor include a penalty of imprisonment for 2 to 12 months and/or a fine. Act No. 2006-04 relating to the Displacement of Minors and the Suppression of Child Trafficking also provides a penalty of imprisonment and heavy fines for child traffickers. These penalties are adequate to punish and deter violations; however, their enforcement is often lax.

¶17. The Government of Benin designated the Ministry of Interior's Brigade for the Protection of Minors (BPM) as the lead agency for enforcement of laws related to children, including child labor and child trafficking. BPM arrests child traffickers and rescues and reintegrates trafficked children. Though in most cases child trafficking is associated with child labor, the BPM has not been able to provide statistics related to the worst forms of labor. However, the BPM compiles yearly statistics detailing its success stories with regard its child protection activities.

¶18. There are approximately 126 government labor agents (inspectors, controllers and administrators), who are located at the departmental level throughout the 12 departments of Benin. These officials only regulate the formal sector (not the informal one, where the majority of child labor occurs) and none are dedicated solely to investigating child labor cases. When a complaint arises regarding child labor, a government labor inspector will visit the work site and investigate. If the law is being violated, the labor inspector

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may try to negotiate with the employer to remedy the situation immediately. If the labor inspector finds serious violations have occurred, the inspector has the authority to sanction the employer and order the employer to pay compensation to the victim(s).

¶19. The Ministry of Labor was unable to provide Post with any information detailing the number of complaints investigated and violations addressed regarding the worst forms of child labor.

¶110. In 2008 the GOB undertook several awareness raising and training activities on the risks of child labor. On June 12, 2008, International Day of the Fight against Child Labor, the Government of Benin organized an awareness campaign on Child Labor throughout the country. The Office of Labor worked with minors who are apprentices in handicraft workshops to make them aware of their rights. The Office of Labor has set up several counseling centers to provide these apprentices with advice and guidance.

¶111. The Office of Labor has also acted to strengthen its institutional capacity to respond to child labor violations. In July 2007, it created a unit led by two Office of Labor administrators dedicated to fighting child labor violations. Additionally, the French Ministry of Labor, through an assistance program, supports the Beninese Ministry of Labor in training labor inspectors on inspection techniques and on labor risk analysis. During the year labor inspectors also received training funded by UNICEF and ILO on specific techniques enabling them to efficiently investigate labor violations in the informal sector.

Social Programs Specifically Designed to Prevent and Withdraw
Children from the Worst Forms of Child Labor

¶112. While Benin does not have social programs specifically designed to prevent the worst forms of child labor, President Yayi has introduced a new micro-credit program to give poor women the resources to start businesses. As this program contributes to income generation activities for women, it may lead to the

alleviation of poverty which often results in child labor.

Comprehensive Policy Aimed at the Elimination of the Worst Forms
of Child Labor

¶13. Benin recently completed drafting and editing of the UNICEF sponsored National Policy and Strategy for Child Protection and the ILO sponsored National Plan to Combat Child Trafficking and Labor. Those two policy documents incorporate the issue of child labor and are expected to provide coherence, focus and direction to all child protection related activities undertaken by the GOB. As each policy is new it is too early to measure the GOB's success in implementation. Benin incorporated an overall child protection policy into its National Growth and Poverty Reduction Strategy Paper (DCSRP).

¶14. Benin's Constitution makes primary education compulsory and free, but this provision was not implemented until the election of President Boni Yayi. As of the 2007-2008 academic year, President Yayi ended the school fees that parents used to pay. While this has reduced parents' outlays for their children's education, parents continue to pay additional "fees" for school materials and uniforms. As a result of President Yayi's elimination of school fees the number of children enrolled for primary education keeps increasing.

Benin's Progress toward Eliminating the Worst Forms of Child Labor

¶15. According to statistics (from Benin's 2002 census) published in a 2006 ILO publication entitled "The End of Child Labor: An Objective within our Reach", there are 480,023 children, 14 and under, working in either the formal or informal sectors in Benin in the following activities: agriculture, hunting and fishing (275,648); industry (22,476); construction and public works (4,189); trade/vending and food & beverage (78,823); transportation and communication (909); and other services including employment as household staff (97,978).

¶16. According to Post's and NGO observations, children working in Benin often work in the agricultural sector performing planting,

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cultivating and harvesting work, in the commercial sector as street and market vendors, as apprentices in various garages and selling smuggled gasoline. Children also work in the construction sector and as domestic servants.

¶17. Benin is a source, transit point and destination for trafficked children. According to NGOs and local authorities children are trafficked internally in Benin to perform domestic work in its cities and to harvest cotton in the cotton fields of Northern Benin. Traffickers also take children across the country's borders to Ghana, Nigeria, Gabon, Cote d'Ivoire, Republic of Congo, Guinea Bissau and the Central African Republic for indentured servitude in domestic service, farm labor, labor in stone quarries and commercial sex.

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